



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Forty-fifth session

1–19 November 2010

### List of issues prior to the submission of the second periodic report of Burundi (CAT/C/BDI/2)\*

### Information relating specifically to the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations

#### Articles 1 and 4

1. Please provide the reasons for the restricted definition of torture in article 197-5 of the new Criminal Code<sup>1</sup> relating to international humanitarian law, compared with article 204<sup>2</sup> of the same Code, promulgated on 22 April 2009, relating to international human rights law, given that the definition of torture is similar in both international human rights law and international humanitarian law.<sup>3</sup>

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\* The present list of issues was adopted by the Committee at its forty-fifth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

<sup>1</sup> Article 197-5 of the new Criminal Code: "The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by a person upon another person under his guard or control.

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

<sup>2</sup> Article 204 of the new Criminal Code: "The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

<sup>3</sup> International Criminal Tribunal for the former Yugoslavia, *The Prosecutor v. Anto Furundzija*, case IT-95-17/1-T, 10 December 1998, paragraph 160 (confirmed on appeal, case IT-95-17/1-A, 21 June 2000, para. 111).

2. In the light of the Committee's previous concluding observations (para. 8),<sup>4</sup> please indicate the legislation that has been adopted in order to allow the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to enter into force under national legislation insofar as the State party makes the ratification and entry into force of any international treaty amending legislative provisions subject to the adoption of a law (articles 163 and 165 of the Constitution of Burundi).<sup>5</sup>

3. Please describe the provisions adopted in the new Criminal Code and the new Code of Criminal Procedure currently in the process of being adopted that criminalize acts of torture and establish criminal penalties proportionate to the gravity of the acts committed.

4. Please state the reasons why the adoption of the new Code of Criminal Procedure was postponed, when it would clearly have been beneficial for the judicial system to draft and promulgate that Code at the same time as the new Criminal Code (promulgated on 22 April 2009).

## Article 2<sup>6</sup>

5. Please provide details of the specific measures taken by the Ministry of Human Rights and Institutional Reform and the Centre for the Promotion of Human Rights to combat torture and cruel, inhuman and degrading treatment, and an evaluation of the impact of those measures on the elimination of torture.<sup>7</sup>

6. Taking into account the Committee's previous concluding observations (para. 10), please clarify the mandate — within the framework of the ongoing reform of the judiciary — of the National Intelligence Service. According to information received by the Committee, the National Intelligence Service, which is responsible for State security, is implicated in numerous instances of forced disappearance, torture and ill-treatment, arbitrary arrests and incommunicado detention. Please also describe the measures that have been taken to prevent the National Intelligence Service from carrying out such acts.<sup>8</sup>

7. Please indicate the measures taken to operationally launch the new Independent Human Rights Commission as a replacement for the Government Commission on Human Rights. Please also indicate whether the concerns raised in the report of the High Commissioner for Human Rights and by the independent expert on the situation of human rights in Burundi (A/HRC/12/43, para. 56) regarding the lack of independence of the Commission being formed, as well as its non-conformity with the Paris Principles, have

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<sup>4</sup> The paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee, published under the symbol CAT/C/BDI/CO/1 (2006).

<sup>5</sup> CAT/C/BDI/CO/1, para. 8, and under the universal periodic review, A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (b).

<sup>6</sup> The issues raised under article 2 may also arise under other articles of the Convention, including, but not limited to, article 16. As stated in general comment No. 2, paragraph 3, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. (...) In practice, the definitional threshold between ill-treatment and torture is often not clear." See further Chapter V of the same general comment.

<sup>7</sup> CAT/C/BDI/1, paras. 126 and 125 respectively.

<sup>8</sup> CAT/C/BDI/CO/1, para. 10: "Moreover, the State party should clarify, as a matter of urgency, the mandate of the National Intelligence Service within the framework of the ongoing reform of the judiciary in order to prevent any use of the Service as a means of political repression and ensure that its officials do not engage in criminal investigation."

been taken into account in subsequent discussions.<sup>9</sup> Please indicate the Commission's mandate and its duration, the composition of the Commission, the procedure for appointing members of the Commission and the financial resources that will be available to it.

8. Please provide details of the steps taken by the current Government Commission on Human Rights in order to disseminate information regarding the prohibition of torture, the number of investigations conducted in connection with allegations of torture and the number of complaints relating to torture examined by the Commission and the corresponding solutions proposed.

9. The Committee notes that it has not received a response from the State party as requested in paragraph 31 of its previous concluding observations regarding implementation of the recommendations contained in paragraphs 9, 10, 19, 20, 21, 23 and 25 of that document. A reminder to that effect was sent by the Special Rapporteur for follow-up on concluding observations in a letter dated 25 April 2008.<sup>10</sup> Please provide the information requested together with the reasons for the delay in view of the fact that the Government Commission on Human Rights has a specific mandate to draft and follow up on such reports.<sup>11</sup>

10. In the context of the drafting of the new Code of Criminal Procedure and the promulgation of the new Criminal Code, please provide information on current legislation, legislation under preparation and practice relating to:

(a) The length of police custody, from the time of the person's arrest until he or she is brought before a judge, in light of the fact that the Committee considers that the holding of detainees in police custody for up to 14 days without bringing them before a judge is not in conformity with the international standards currently in force;<sup>12</sup>

(b) The registration of all persons from the time that they are taken into police custody and indication of all detention facilities to which they have been transferred;

(c) The circumstances in which incommunicado detention may be ordered, the authorities competent to order it and the maximum length of such detention;

(d) The right of the arrested person to contact a lawyer and the right for that lawyer to be present from the time of the first interview by the police and the prosecution service;

(e) The right of the arrested person to contact family members from the time of his or her arrest;

(f) The right of the arrested person to consult an independent physician and undergo a medical examination during the first hours in police custody and at the end of the custody period;

(g) The guarantees of presumption of innocence, the right to a fair trial and the independence and impartiality of judges, as requested by the Committee (para. 12);

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<sup>9</sup> A/HRC/12/43, para. 56; Quarterly report (July, August and September 2009) on the situation regarding human rights and justice in Burundi, para. V.5; Quarterly report (October, November and December 2009) on the situation regarding human rights and justice in Burundi, para. V.5; and S/2009/611, para. 43.

<sup>10</sup> A reminder was sent on 25 April 2008 and the problem was raised during the universal periodic review, A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (f).

<sup>11</sup> CAT/C/BDI/1, para. 128 (f).

<sup>12</sup> CAT/C/BDI/CO/1, para. 9.

(h) The right of the arrested person to receive legal assistance if they do not have sufficient financial resources to pay for a lawyer or other advocate;

(i) The possibility for an arrested person to challenge his or her pretrial detention and possible forms of recourse;

(j) Planned measures to replace temporary detention with measures that do not require placement in a detention facility, such as house arrest, in order to combat the problem of prison overcrowding;<sup>13</sup>

(k) The possibility for a person to file a writ of habeas corpus.

11. Please indicate what measures have been taken in order to remedy the shortcomings in the administration of justice. In particular, please indicate the measures taken to:

- Ensure strict separation of the judiciary and the executive in order to avoid any dependence of the former on the latter, in compliance with the Committee's concluding observations (para. 12)
- Combat corruption
- Ensure adequate and continual training, including on the absolute prohibition of torture and other ill-treatment, for all judicial personnel
- Ensure appropriate financing of the justice administration reforms in order to ensure their effective implementation and adequate salaries for judicial personnel in order to protect against corruption
- Ensure that prosecutors respect judicial decisions and to prevent them from influencing or overruling any such decision, in compliance with the Committee's recommendations (para. 12)
- Remedy the problem of the shortage of judges
- Remedy the slowness of judicial proceedings

12. Please indicate the measures taken to ensure that pretrial detention conforms to international standards relating to the right to a fair trial.

13. In its concluding observations (para. 18), the Committee shares the concerns of the Committee on the Elimination of Discrimination against Women (CEDAW/C/BDI/CO/4, para. 23) regarding the scale of the phenomenon of sexual and domestic violence against women.<sup>14</sup> In that regard:

(a) In its responses to the preliminary questions addressed to it by the Committee on the Elimination of Discrimination against Women, the State party mentions the implementation of an urgent action plan to combat violence against women (page 6).<sup>15</sup> However, that plan seems to contain nothing but outline plans with no specific proposals for action. Please provide more detailed information to the Committee on the specific and effective measures taken by the State within the framework of the action plan;

(b) In addition, please indicate whether domestic and sexual violence continue to be covered by general provisions on physical violence, or whether, conversely, a specific provision criminalizing and penalizing domestic and sexual violence has been introduced,

<sup>13</sup> CAT/C/BDI/1, page 11, and report of the Burundi League of Human Rights (Iteka), June 2008, paragraph 1.4.1, p. 58.

<sup>14</sup> CAT/C/BDI/CO/1, para. 18, and CEDAW/C/BDI/CO/4, para. 23.

<sup>15</sup> Responses of Burundi to the Committee's list of issues and questions with regard to the consideration of periodic reports, CEDAW/C/BDI/Q/4/Add.1, p. 6.

particularly for marital rape.<sup>16</sup> If the latter is the case, please submit the text of that provision to the Committee;

(c) Please also indicate whether any legislative or other measures have been introduced in addition to simple fines or “community sanctions” to punish perpetrators of such crimes.<sup>17</sup> Please indicate the rehabilitation and compensation measures established to assist victims of such violence;

(d) Within the context of violence against women, including sexual violence committed by State officials and military personnel, please provide precise statistical data on the number of complaints made and registered against different State entities, the investigations conducted, the proceedings instituted, the outcome of those proceedings and the penalties imposed;

(e) The State party mentions strong cultural traditions as a factor preventing women from filing complaints if they become victims of domestic or sexual violence. Please indicate the concrete measures taken to inform women of their right to file a complaint if they have been a victim of violence as well as the legal recourse available to them.<sup>18</sup> Please also indicate the public awareness campaigns conducted in order to bring about changes in cultural practices so as to promote the protection of women against all forms of violence. Please further indicate measures taken to create help centres for all women who are victims of any form of violence;

(f) The Committee has also received information (A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (e)) according to which victims of rape are commonly forced to marry their abuser and many complaints have been retracted because the case has been settled extrajudicially or amicably. Please indicate the measures taken to ensure that such cases are brought to the attention of the authorities and to combat the practice of such forced marriages;<sup>19</sup>

(g) With regard to violence against women within families, please provide precise statistical data on the number of complaints made and registered, the investigations conducted, the proceedings instituted, the outcome of those proceedings and the penalties imposed;

(h) The Committee has received reports of an increase in sexual violence committed by State officials against women and children in all detention facilities, including prisons and gendarmerie and police stations. Please indicate the legislative and other measures adopted to prevent such violence (para. 11).<sup>20</sup>

14. The phenomenon of trafficking in women and children is recurrent in the State party. In that connection:

(a) With regard to the concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/BDI/CO/4, para. 28) and the Committee on the Rights of the Child (CRC/C/15/Add.133, para. 76),<sup>21</sup> please provide specific information on the concrete measures taken to eradicate trafficking in women and children and on the legal provisions criminalizing and punishing that crime;

<sup>16</sup> Ibid., p. 7.

<sup>17</sup> Ibid., p. 7.

<sup>18</sup> Ibid., p. 7.

<sup>19</sup> A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (e).

<sup>20</sup> CAT/C/BDI/CO/1, para. 11.

<sup>21</sup> CEDAW/C/BDI/CO/4, para. 28, and CRC/C/15/Add.133, para. 76.

(b) Please also indicate the outcome of the investigation initiated in 2007 concerning a trafficking network, mentioned in the responses to the preliminary questions of the Committee on the Elimination of Discrimination against Women (para. 14);<sup>22</sup>

(c) Please provide precise statistical data on the number of complaints reported and registered, the investigations conducted, the proceedings instituted, the outcome of those proceedings and the penalties imposed, where appropriate.

15. Please indicate the measures taken to ensure that military personnel are not involved in the arrest and detention of civilians. More generally, please provide details of the measures taken to ensure the strict separation of civil and military jurisdictions.

16. The Committee has received information concerning the proliferation of acts of torture and other cruel, inhuman and degrading treatment committed by private persons against individuals suspected of crimes and misdemeanours and also against homosexuals (mob justice). This phenomenon is due mainly to the passivity of the police in protecting persons suspected of offences and to corruption in the police and judicial services. The inactivity of State officials could make the State party liable for acts of torture and other cruel, inhuman or degrading treatment. Please indicate the measures taken by the State party to prevent such acts and to punish the perpetrators of those acts, whether private persons or public officials. By way of example of preventive measures undertaken, please indicate the training provided for the police forces in order to increase the effectiveness of their interventions and the training provided for judges to assist them in applying current legislation correctly and penalizing the perpetrators of such acts.

### Article 3

17. With regard to the concluding observations of the Committee (para. 14), please provide details of the legislative or other measures taken to ensure that an individual may not be extradited to a third State if there is a real risk that he or she may be tortured or subjected to other cruel, inhuman or degrading treatment. Please indicate whether decisions to expel, return and extradite individuals, including undocumented persons, are issued by a court after careful assessment of the risk of torture in each case and are subject to appeal with suspensive effect.

18. Please provide data disaggregated by age, sex and ethnic origin, on the number of requests recorded for extradition, return and expulsion and the number of requests granted and denied. Please specify, for each of the above-mentioned situations, the countries to which the persons have been extradited or returned. Please indicate whether the State party requests diplomatic assurances as an indispensable prerequisite for granting any request for extradition or return on the part of a third State. If this is the case, please provide details of the minimum standards to be met in order for the State party to agree to extradite or return a person to a third State. Please cite cases in which requests have been refused because the person concerned was in danger of being subjected to acts of torture. Specifically please cite requests pertaining to persons of Rwandan nationality or origin, in the light of the recent cases of deportation of Rwandan refugees to the border. In that connection, please provide specific information on the reasons for the extradition of Déo Mushayidi to Rwanda and the procedures followed for his extradition.

19. Please indicate whether the State party has requested the extradition of persons located in a third State, the reasons for those requests and their outcome.

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<sup>22</sup> Responses of Burundi to the Committee's list of issues and questions with regard to the consideration of periodic reports, CEDAW/C/BDI/Q/4/Add.1, p. 8.

20. In light of the Committee's previous concluding observations (para. 14), please indicate whether the State party has adopted legislation protecting stateless persons from possible expulsion to a third State where there is a real risk that they may be tortured or subjected to cruel, inhuman or degrading treatment. Please also describe the steps taken to create a national commission for refugees, as suggested by the Committee in its concluding observations (para. 14).

21. Please provide data, disaggregated by age, sex and ethnic origin, on the number of applications for asylum registered, the number of applications accepted and rejected and the number of applicants whose application was based on torture having taken place in a third State or the risk that the applicant would become a victim of torture if he or she were to be expelled.

### **Articles 5, 6, 7, 8 and 9**

22. Please indicate whether the State party has rejected, for any reason, a request from a third State for the extradition of a person suspected of having committed an act of torture, and whether, in such a case, it initiated a prosecution itself. Please provide information on such actions and their outcome.

23. Please provide information on the measures taken by the State party to establish and exercise its jurisdiction over acts of torture when the alleged author of the offence is in Burundi, either to extradite or to prosecute him or her, in accordance with the provisions of the Convention.

24. Since the State party makes extradition to a third State contingent on the existence of an extradition treaty,<sup>23</sup> please provide information on the legislative and administrative measures adopted to ensure that the Convention can be invoked as a legal basis for extradition in respect of the crimes enumerated in article 4 of the Convention when the State party receives a request for extradition from another State party with which it has no extradition treaty, while at the same time observing the provisions of article 3 of the Convention.

25. Please indicate the status of the negotiations on the adoption of an extradition treaty between Burundi and Rwanda, aimed at enabling the arrest and conviction of persons linked to the Tutsi genocide of 1994 in Rwanda.

### **Article 10**

26. Please provide information on the measures taken to ensure that adequate training, including on the prohibition of torture and other cruel, inhuman or degrading treatment, is given to civilian or military law enforcement personnel, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment. Please also indicate whether such personnel receive continuous training.

27. Please provide information on measures relating to training in the prevention and criminalization of sexual violence against women and children and the penalties applicable to such violence. Please also indicate whether any non-governmental organization has taken part in such training, as recommended by the Committee (para. 16 (d)).

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<sup>23</sup> CAT/C/BDI/CO/1, para. 15.

28. Please indicate whether the State party has established a methodology to assess the effectiveness and impact of such training/educational programmes on the reduction of numbers of cases of torture, violence and ill-treatment and, if applicable, provide information on the content and practical application and outcome of that methodology.

29. Does the training given include development of the skills required in order to recognize the signs of torture and ill-treatment? Please indicate whether the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1999 (Istanbul Protocol) is an integral part of the training given to doctors. If so, please provide examples of cases in which doctors have applied the Istanbul Protocol.

### **Article 11**

30. With regard to the previous concluding observations of the Committee (para. 16), please indicate the steps initiated and/or in preparation to draft a manual listing methods of questioning that are prohibited and contrary to the Standard Minimum Rules for the Treatment of Prisoners. Please also indicate the mechanisms for the revision and modification, where applicable, of methods of questioning used by different law enforcement personnel, including police, gendarmes, officials of the National Intelligence Service and prison guards, so as to ensure that such personnel respect the absolute prohibition of torture.

31. Please provide details of the mechanisms put in place to monitor detention facilities, given that the independent national commission has not yet been established. Please state whether non-governmental organizations play a role in those monitoring and oversight mechanisms, as recommended by the Committee (para. 19).

### **Articles 12 and 13**

32. Please provide detailed statistical data, disaggregated by gender, age, ethnic origin and type of offence, on complaints relating to torture and other cruel, inhuman or degrading treatment or punishment, including sexual violence against women and children alleged to have been committed by law enforcement or military personnel, and on the related investigations, prosecutions and criminal and disciplinary sanctions, where applicable.

33. In its concluding observations (para. 22), the Committee expressed its concern at the system of assessing the appropriateness of prosecution, which leaves State prosecutors free to decide not to prosecute perpetrators of acts of torture and ill-treatment involving law enforcement officers or even to order an inquiry. Please describe the measures taken by the State party, acting on the recommendation of the Committee (para. 22), to introduce an exceptional system for offences relating to torture or cruel, inhuman or degrading treatment.

34. In the specific context of cases of torture and cruel, inhuman and degrading treatment of children, please provide precise statistical data on the number of complaints lodged and registered, the investigations conducted, the proceedings instituted, the outcome of those proceedings and the penalties imposed.

35. Please indicate the actions taken to investigate the deaths of Ramazana Nahimana, Jean-Baptiste Ntahimpereye and Raymond Nshimirimana and to punish the perpetrators of the Gatumba massacre. Please indicate the measures taken to put an end to the lynching of persons accused of various crimes and to punish the perpetrators of such public lynchings as reported in information provided to the Committee. More generally, please indicate the

measures taken to combat the impunity of instigators of such violence and of the “authorities” involved and to send them a clear message that violence and ill-treatment are punishable offences.

36. Please provide information on the procedures for the *proprio motu* initiation of an impartial inquiry where there are grounds to believe that a person may have been subjected to torture or cruel, inhuman or degrading treatment. Please indicate whether detainees have the possibility to appeal against disciplinary sanctions imposed on them. Please state the mechanisms that guarantee a fair and impartial trial and prompt, impartial and effective investigations into allegations of torture.

37. Taking into account the concluding observations of the Committee (para. 25), please describe the measures guaranteeing the protection of victims from any attempt at intimidation or cruel, inhuman or degrading treatment.

38. In light of the Committee’s recommendations (para. 25), please indicate the measures taken to establish an effective mechanism for receiving complaints of sexual violence, investigating such complaints and providing victims with adequate protection and assistance in all detention facilities.

## Article 14

39. Please provide an exhaustive list of the compensatory measures established by the different jurisdictions and the rehabilitation measures available for victims of torture or other cruel, inhuman or degrading treatment, disaggregated by type. Please provide information on the rehabilitation programmes implemented specifically to help child victims of torture or other cruel, inhuman or degrading treatment. Please indicate whether the victims have the possibility to access those measures in all cases, including cases in which a disciplinary rather than a criminal penalty has been imposed on the perpetrator of the acts of torture.

40. In its concluding observations (para. 23), the Committee encouraged the State party to establish a compensation fund for victims of torture, including child soldiers. Please describe the steps taken towards establishing such a fund. Please also indicate the fund’s mandate, composition, appointment procedures and financial resources. Please also provide information on and specific examples of the implementation of rehabilitation programmes for the education, protection and reintegration of former child soldiers.

## Article 15

41. With regard to the Committee’s previous concluding observations and in light of allegations of the use of evidence obtained by torture (para. 24),<sup>24</sup> please indicate the legislative or other measures taken to ensure that no evidence obtained through acts of torture or cruel, inhuman or degrading treatment is accepted by the courts. In addition, please clarify the legal precedent established by the Supreme Court ruling of 29 September 2002, according to which “a confession is not proof in itself, but merely one piece of evidence that must be corroborated by other evidence”, as cited in the initial report of Burundi (para. 153). Does this mean that confessions obtained under torture may be accepted by a court if they are corroborated by other evidence?

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<sup>24</sup> CAT/C/BDI/CO/1, para. 24.

## Article 16

42. The Committee against Torture (para. 17) and the Committee on the Rights of the Child (CRC/C/15/Add.133, para. 73) have expressed their concern at the situation of children in Burundi.<sup>25</sup> In that regard:

(a) Please provide information on legislation and practice relating to corporal punishment inflicted on children. Please provide details of the measures taken to prevent and criminalize such practices. Please also indicate the reasons for the authorization and continuation of those practices;

(b) In view of the absence of a juvenile justice system, please provide details of the current reform of the judicial system with respect to the establishment and implementation of a system adapted for minors, as recommended by the Committee (para. 13) and the Human Rights Council (A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (f));<sup>26</sup>

(c) With regard to the functioning of the system for the administration of juvenile justice, please indicate the measures adopted to ensure treatment in conformity with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules, General Assembly resolution 40/33), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines, General Assembly resolution 45/112) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Tokyo Rules, General Assembly resolution 45/110).

43. The Committee has received information according to which Burundian prisons are overcrowded (para. 17).<sup>27</sup> Please provide updated statistical data on the extent of prison overcrowding, including capacity and current occupancy rates, disaggregated by age and sex. Please also indicate the measures taken and measures planned to address the problem. In accordance with the Committee's recommendations (para. 17), please provide information on the construction of new detention facilities. Please indicate the steps taken to ensure that detained persons are segregated from convicted prisoners, men from women and adults from minors while in detention, and also indicate the legislative or other documents providing for such segregation (para. 17).

44. The Committee is concerned at the inhuman living conditions observed in prisons, particularly the lack of drinking water and food (para. 17). Please indicate the measures adopted to improve the living conditions of detainees so as to bring them into conformity with the Standard Minimum Rules for the Treatment of Prisoners. In its concluding observations (para. 26), the Committee was also concerned that hospitalized patients, notably including children, are imprisoned because they are unable to pay their medical expenses. Please provide information on the measures taken to release such persons as quickly as possible, or, failing that, to ensure they are provided with adequate food and medical care. Please also indicate the measures taken to counter corruption among prison staff.

45. In light of the recent riots at several prisons such as Remera and Mpimba, which erupted mainly in response to inhuman conditions of detention, please indicate the steps that have been taken to prevent riots and the penalties imposed on the perpetrators of such riots.

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<sup>25</sup> CAT/C/BDI/CO/1, para. 17, and CRC/C/15/Add.133, para. 73.

<sup>26</sup> A/HRC/WG.6/3/BDI/1, para. 68 (b) (iii) (f), and CAT/C/BDI/CO/1, para. 13.

<sup>27</sup> CAT/C/BDI/CO/1, para. 17.

46. Please indicate the measures adopted to combat the ritual murders of persons with albinism. In addition, please specify the measures taken to modify current legislation criminalizing homosexuality and encouraging violence against homosexuals.

### **Other issues**

47. In accordance with the Committee's concluding observations (para. 29), please indicate all steps that have been taken towards ratification of the Optional Protocol to the Convention.

48. Please provide the Committee with information on legislative, administrative or other measures taken by the State party in response to the threat of terrorism and indicate whether or not these measures have had an impact on human rights safeguards, in law or in practice, and, if applicable, how the State party has ensured that these measures are consistent with all its obligations under international law. Please describe relevant training provided to law enforcement officers, the number and types of convictions handed down under the corresponding laws and the legal remedies available to persons subject to anti-terrorism measures. Also, please indicate whether complaints of non-observance of international standards have been lodged and what follow-up has been given to them.

49. Taking into account the success of previous cooperation between Burundi and the independent expert on the situation of human rights in Burundi, do you expect, in the near future, to accept invitation requests by the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on internally displaced persons, the Working Group on Enforced or Involuntary Disappearances and the independent expert on minority issues?

50. Please indicate how the State party disseminates the Convention and the Committee's concluding observations. Please also indicate whether the State party has taken steps to ensure that the general public in Burundi is aware of the possibility for individuals to lodge complaints with the Committee, insofar as no complaint has been lodged with the Committee by an individual under article 22 of the Convention since 10 June 2003.

51. Please provide details of why the State party has not established a transitional justice mechanism. Please also indicate the measures taken to implement the framework agreement on the establishment of a tripartite committee for consultations on transitional justice mechanisms. Please also explain why the State party is exerting pressure to ensure the Committee focuses on reconciliation rather than on the establishment of a truth and reconciliation commission and a special court.

### **General information concerning the human rights situation in the State party, including any new measures or facts concerning the implementation of the Convention**

52. Please provide detailed information on developments relevant to the legal and institutional framework within which human rights are promoted and protected at the national level, including any relevant judicial decisions, that have occurred since the consideration of the initial periodic report.

53. Please provide detailed information on the new political, administrative and other measures taken since the consideration of the initial periodic report in order to promote and protect human rights at the national level, including any national human rights plans or

programmes adopted, and specify the resources allocated, the methods employed, objectives established and results achieved.

54. Please provide any other information on new measures and initiatives undertaken to implement the Convention and the Committee's recommendations since the consideration of the initial report in 2007, including relevant statistical data, and describe any developments that have occurred in the State party and are of relevance under the Convention.

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